

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
COLUMBIA DIVISION

Louis Mack,	)	C/A No.3:04-22064-JFA
	)	
Plaintiff,	)	
	)	
vs.	)	<b>O R D E R</b>
	)	
	)	
American Spiralweld Pipe,	)	
	)	
Defendant.	)	
_____	)	

This matter is before the court for review of the Magistrate Judge’s report and recommendation (“the report”) made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Rule 73.02(B)(2)(D.S.C.).

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections . . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a *de novo* determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the report and recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court’s review of the Report thus depends on whether or not objections have been filed, in either case the Court is free, after review, to accept, reject, or modify any of the magistrate judge’s findings or recommendations.

*Wallace v. Housing Auth. of the City of Columbia*, 791 F. Supp. 137, 138 (D.S.C. 1992)

(citations omitted).

The United States Magistrate Judge has filed a report and recommendation suggesting that the motion for summary by the defendant be granted with respect to plaintiff's federal claims under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. The report and recommendation further recommends that the plaintiff's remaining state law claims be remanded back to the state court for disposition.

Both parties were apprised of their rights to file objections to the report and recommendation. The defendant filed objections to the report and recommendation on November 22, 2005, specifically objecting to the magistrate judge's recommendation that the state law claims be remanded to the state court. The defendant argued that the plaintiff's state law claims should be dismissed with prejudice for failure to prosecute or in the alternative, dismissed with leave to re-file in state court. The plaintiff did not file objections to the report and recommendation.

In light of the standard set out above, the Court has reviewed the report and the objections thereto and finds that the report is proper. It is therefore ordered that the report be accepted and that the defendant's motion for summary judgment be granted on the plaintiff's federal claims under Title VII of the Civil Rights Act of 1964 and 42 U.S.C. § 1981. It is further ordered that the remaining state law claims be remanded back to state court for disposition. The Report and Recommendation is hereby adopted as the order of this court.

IT IS SO ORDERED.

/s/ Joseph F. Anderson, Jr.  
United States District Judge

December 21, 2005  
Columbia, South Carolina